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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Fourth Street Water System**  
Water System No. 1500449

TO: Robert Leiterman, President  
Fourth Street Water System  
P.O. Box 40  
Lake Isabella, CA 93240

**BY REGISTERED MAIL**

**CITATION FOR NONCOMPLIANCE -- Water System No. 1500449  
TOTAL COLIFORM MCL VIOLATION -- February 2011  
Citation No. 03-19-13C-006**

**Issued on April 9, 2013**

**STATEMENT OF FACTS**

Fourth Street Water System (hereinafter Water System) is classified as a community water system and serves an average population of approximately 25 persons through 25 service connections. The Water System has two active source of supply, Well 01 (PS Code: 1500449-001), Well 02 (PS Code: 1500449-002), a 20,000-gallon storage tank, and a 1,000-gallon pressure tank. No treatment is currently provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 449 issued on August 25, 1989, by the Kern County Department of Environmental Health Services. The Water System is currently working on a funding project to correct its arsenic MCL violation. After the improvements are made to the Water System, the Department will issue a new domestic water supply permit to the Water System.

1 The Southern California Drinking Water Field Operations Branch, Division of  
2 Drinking Water and Environmental Management, California Department of Public  
3 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking  
4 Water Act and regulations promulgated pursuant thereto.\

- 5
- 6 • The Water System is required to collect one (1) routine bacteriological sample  
7 per month. Please refer to the Water System's approved Bacteriological  
8 Sample Siting Plan (BSSP) or Table 64423-A.
- 9 • One (1) routine bacteriological quality sample collected on February 10, 2011,  
10 from the distribution system, tested positive for total coliform bacteria and  
11 *E.coli* bacteria [Section 64426(a)(2), *Authorities*].
- 12 • Two (2) out of five (5) repeat bacteriological quality samples collected on  
13 February 11, 2011, from the distribution system, tested positive for total  
14 coliform bacteria. The repeat samples that tested positive for total coliform  
15 bacteria, were collected from the distribution system and Old Storage Tank.
- 16 • Two (2) repeat Ground Water Rule trigger source samples (also counted  
17 towards the repeat sampling of the total coliform rule) collected on February  
18 11, 2011, from Well 01 and Well 02, tested negative for total coliform bacteria.
- 19 • **Fourth Street Water System failed the total coliform maximum**  
20 **contaminant level (MCL) for February 2011 [Section 64426.1(b)(4),**  
21 ***Authorities*].**
- 22 • On February 14, 2011, Robert Leiterman, President of the Water System,  
23 notified the Department that the Water System failed the total coliform MCL  
24 for February 2011.
- 25 • On February 11, 2011, the Department issued a Boil Water Notice (BWN) in  
26 response to the February 10, 2011, *E.coli* positive sample.
- 27

- 1       • On February 11, 2011, the Department received a signed and dated copy of the  
2       BWN from the Water System. According to this document, Tier 1 public  
3       notification was completed on February 11, 2011.
- 4       • On February 14, 2011, an investigation report was emailed to the Water  
5       System for the February 2011 total coliform MCL failure. To date, the  
6       Department has not received a completed investigation report in response to  
7       the February 2011 total coliform MCL failure [Section 64426(b)(2),  
8       *Authorities*].
- 9       • According to an email dated February 13, 2011, from Steve White, the Water  
10      System's the then certified distribution operator (on contract), the Old Storage  
11      Tank (20,000-gallon) and one of the repeat sampling sites tested positive for  
12      total coliform bacteria on February 11, 2011. Mr. White's inspection of the  
13      facility and discussion with Mr. Leiterman indicated the cause of the *E.coli*  
14      positive sample may have been due to improper disinfection of new plumbing  
15      and valves that were installed between the wells and storage tanks during the  
16      month of January 2011, when the Water System put the new 25,000-gallon  
17      storage tank in service. Mr. White further stated that the Old Storage Tank had  
18      a major leak near the bottom and there were several wet "rusty" areas in some  
19      parts of the tank and that the tank was scheduled for replacement, depending  
20      upon availability of the funds.
- 21      • As part of the corrective actions, the Old Storage Tank was removed from  
22      service and has not been placed back in service. The tank remains isolated  
23      from the distribution system.
- 24      • The Water System provided emergency disinfection and flushing to clear  
25      bacteriological contamination from the distribution system.

- 1 • All five (5) distribution system samples collected on February 15, 2011, tested  
2 negative for total coliform bacteria.
- 3 • A second set of five (5) samples was collected on February 17, 2011, from the  
4 distribution system and all five (5) samples tested negative for total coliform  
5 bacteria.
- 6 • On February 18, 2011, the Department issued a Safe Water Notice after the  
7 Water System satisfied the Department's directives and provided two  
8 consecutive rounds of total coliform negative samples from the distribution  
9 system.
- 10 • Three (3) routine samples were collected on March 10, 2011, from the  
11 distribution system, and five (5) routine samples were collected on March 15,  
12 2011, from the distribution system, and all eight (8) samples tested negative for  
13 total coliform bacteria.
- 14 • All routine distribution quality samples collected from April 2011 to February  
15 2013 have tested negative for total coliform bacteria.
- 16 • Results of all bacteriological samples collected from January 2011 to February  
17 2013 are summarized in **Attachment A**.

#### **AUTHORITIES**

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

"(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation

to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

**Section 116655 of the CHSC, states in relevant part:**

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed."

**California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:**

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426 establishes the significant rise in bacteriological count and states in relevant part:

- (a) Any of the following criteria shall indicate a possible significant rise in bacterial count:
- (1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive samples in the repeat sample set;
  - (2) A system has a sample which is positive for fecal coliform or E. coli; or
  - (3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in 64426.1.
- (b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:
- (2) Submit to the Department information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:
    - (A) Current operating procedures that are or could potentially be related to the increase in bacterial count;
    - (B) Any interruptions in the treatment process;
    - (C) System pressure loss to less than 5 psi;
    - (D) Vandalism and/or unauthorized access to facilities;
    - (E) Physical evidence indicating bacteriological contamination of facilities;
    - (F) Analytical results of any additional samples collected, including source samples;
    - (G) Community illness suspected of being waterborne; and
    - (H) Records of the investigation and any action taken.”...

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

- (a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.
- (b) A public water system is in violation of the total coliform MCL when any of the following occurs:
- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
  - (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
  - (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
  - (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A

1 Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section  
2 64463.1."

### 3 DETERMINATIONS

4 Based upon the above Statement of Facts and Authorities, the Department determines  
5 that the Water System has violated the following:  
6

- 7 1. CCR, Title 22, Sections 64426(a)(2), and 64426.1(b)(4); Specifically, the  
8 Water System violated the total coliform MCL for February 2011 when more  
9 than one sample collected in February 2011, tested positive for *E.coli* bacteria  
10 and total coliform bacteria.
- 11 2. CCR, Title 22, Section 64426(b)(2); Specifically, the Water System failed to  
12 submit an investigation report to the Department for the February 2011, total  
13 coliform MCL violation.

14 The above violations are classified as non-continuing violations.  
15

### 16 DIRECTIVES

17 Fourth Street Water System is hereby directed to take the following actions:  
18

- 19 1. Cease and desist from failing to comply with Section 116555(a) of the  
20 California Health and Safety Code (CHSC) and Sections 64426(a)(2),  
21 64426(b)(2), and 64426.1(b)(4) of Title 22, California Code of Regulations  
22 (CCR).  
23
- 24 2. In the future, the Water System shall submit a completed investigation report in  
25 response to the total coliform MCL failures, or as directed by the Department,  
26 following an *E.coli* positive sample.  
27

1  
2 3. The Water System shall reimburse the Department, in accordance with an  
3 invoice that shall be provided to the Water System, the costs for enforcement  
4 activities, and such reimbursement shall be made prior to September 1 (or by a  
5 different date if specified by the Department) of the fiscal year following the  
6 fiscal year in which such costs are incurred as described in CHSC Section  
7 116577(a)(1-2) and 116577(b).

8  
9 **FURTHER ENFORCEMENT ACTIONS**

10 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the  
11 Department to: issue additional citations with assessment of penalties if the public  
12 water system continues to fail to correct a violation identified in a citation; take action  
13 to suspend or revoke a permit that has been issued to a public water system if the  
14 system has violated applicable law or regulations or has failed to comply with orders  
15 of the Department; and petition the superior court to take various enforcement  
16 measures against a public water system that has failed to comply with orders of the  
17 Department. The Department does not waive any further enforcement action by  
18 issuance of this citation.

19  
20 **PARTIES BOUND**

21 This citation shall apply to and be binding upon Fourth Street Water System, its  
22 officers, directors, agents, employees, contractors, successors, and assignees.

23  
24  
25 **SEVERABILITY**



The directives of this citation are severable, and Fourth Street Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

### CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

April 9, 2013

Date

Jaswinder S. Dhaliwal  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Tehachapi District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

### **Attachment**

Attachment A: Bacteriological Summary January 2011 through February 2013

cc: Kern County Environmental Health Services Department (w/o attachment)  
Daniel Sackett, skOO'kum h<sub>2</sub>O Monitoring, Inc.

## **ATTACHMENT A**

## ***Fourth Street Water System***

***1500449***

***Distribution System Freq: 1/M***

<b><i>Sample Date</i></b>	<b><i>Time</i></b>	<b><i>Location</i></b>	<b><i>T Coll</i></b>	<b><i>E Coll</i></b>	<b><i>F Coll</i></b>	<b><i>Type</i></b>	<b><i>CI2</i></b>	<b><i>Violation</i></b>	<b><i>Comment</i></b>
1/13/2011	10:25	1ROU	A	A		Routine			
2/10/2011	9:10	1ROU	P	P		Routine		MCL	Citation Issued 03-19-13C-006
2/11/2011	14:25	1REP2	A	A		Repeat			
2/11/2011	17:20	1REP1	P	A		Repeat			
2/11/2011	17:30	1REP3	A	A		Repeat			
2/11/2011	17:35	OLD STORAGE T	P	A		Repeat			
2/11/2011	17:40	NEW STORAGE	A	A		Repeat			
2/15/2011	13:10	OLD STORAGE T	A	A		Repeat			
2/15/2011	13:15	1REP2	A	A		Repeat			
2/15/2011	13:25	1REP3	A	A		Repeat			
2/15/2011	13:30	1REP4	A	A		Repeat			
2/15/2011	13:40	1REP5	A	A		Repeat			
2/15/2011	15:00	1REP1	A	A		Repeat			
2/17/2011	12:45	2REP1	A	A		Repeat	1.2		
2/17/2011	12:50	2REP2	A	A		Repeat	1.5		
2/17/2011	13:00	2REP3	A	A		Repeat	1.6		
2/17/2011	13:10	2REP4	A	A		Repeat	1.2		
2/17/2011	13:30	2REP5	A	A		Repeat	1.5		
3/10/2011	10:50	1ROU	A	A		Routine			
3/10/2011	11:08	1ROU	A	A		Routine			
3/10/2011	11:15	4ROU	A	A		Routine			
3/15/2011	13:00	1ROU	A	A		Routine			
3/15/2011	13:10	3ROU	A	A		Routine			
3/15/2011	13:30	2ROU	A	A		Routine			
3/15/2011	13:40	4ROU	A	A		Routine			
3/15/2011	13:40	5ROU	A	A		Routine			
4/13/2011	10:25	1ROU	A	A		Routine			
5/3/2011	9:45	1ROU	A	A		Routine			
6/1/2011	11:35	1ROU	A	A		Routine			
7/6/2011	10:45	1ROU	A	A		Routine			
8/2/2011	9:30	1ROU	A	A		Routine			
9/15/2011	10:20	1ROU	A	A		Routine			
10/13/2011	10:05	1ROU	A	A		Routine			
11/2/2011	12:20	1ROU	A	A		Routine			
12/7/2011	13:05	1ROU	A	A		Routine			
1/2/2012	12:55	1ROU	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
2/6/2012	13:45	1ROU	A	A		Routine			
3/5/2012	12:35	1ROU	A	A		Routine			
4/3/2012	11:35	1ROU	A	A		Routine			
5/9/2012	14:30	1ROU	A	A		Routine			
6/13/2012		1ROU	A	A		Routine			
7/9/2012	13:45	1ROU	A	A		Routine			
8/22/2012	11:40	1ROU	A	A		Routine			
9/10/2012	14:00	1ROU	A	A		Routine			
10/24/2012	11:25	1ROU	A	A		Routine			
11/14/2012	14:00	1ROU	A	A		Routine			
12/12/2012	13:10	1ROU	A	A		Routine			
1/8/2013	11:15	1ROU	A	A		Routine			
2/6/2013	13:35	1ROU	A	A		Routine			

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## ***Fourth Street Water System***

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**1500449**

*Source Monitoring Freq:*

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<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
2/11/2011	17:50	WELL #1	A	A			
2/11/2011	18:00	WELL #2	A	A			

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